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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

05/01/2009

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

EXAMINER

GREY, CHRISTOPHER P

ART UNIT

PAPER NUMBER

2416

DATE MAILED: 05/01/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,412	03/12/2004	Tarek Radi	ALC 3120	5996

TITLE OF INVENTION: INTERWORKING NETWORK MAPS OF NETWORK MANAGEMENT AND ELEMENT MANAGEMENT SYSTEMS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/03/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 05/01/2009

KRAMER & AMADO, P.C.
1725 Duke Street, Suite 240
Alexandria, VA 22314

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10798,412 03/12/2004

Tarek Radi

ALC 3120

5996

TITLE OF INVENTION: INTERWORKING NETWORK MAPS OF NETWORK MANAGEMENT AND ELEMENT MANAGEMENT SYSTEMS

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	08/03/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
GREY, CHRISTOPHER P	2416	370-254000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB-122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB-47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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EXAMINER

GREY, CHRISTOPHER P

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 812 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 812 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/798,412

Examiner

CHRISTOPHER P. GREY

Applicant(s)

RADI ET AL.

Art Unit

2416

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 3/3/09.
2. ☒ The allowed claim(s) is/are 1-19 and 21-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Patrick Wamsley on 4/23/09.

The application has been amended as follows:

Regarding claim 1,

In claim 1, lines 18, "topological" is deleted and replaced with "topology".

In claim 1, line 19, "and" is deleted.

In claim 1 line 21, after "added network entity", the following is added, "on said EMS; and"

In claim 1 line 21-22, "by making said NMS responsible for any future changes, thereby forcing the administrator to make changes from one localized place" is deleted.

In claim 1, line 22, "making said NMS responsible for any future topological changes on said EMS." is added.

Therefore claim 1 lines 18-22 now read,

" automatically propagating said topology change data from said EMS to said NMS;

preventing an administrator from making any topological changes to an

added network entity on said EMS; and

making said NMS responsible for any future topological changes on said EMS."

Regarding claim 14.

In claim 14 line 5, "the following steps" is deleted.

In claim 14 line 18-19, "by making said NMS responsible for any future changes, thereby forcing the administrator to make changes from one localized place" is deleted

In claim 14, line 18, after "added network entity", the following is added "on said EMS; and"

In claim 14 line 19, "making said NMS responsible for any future topological changes on said EMS." Is added.

Therefore claim 14 lines 17-20 now read,

" preventing an administrator from making any topological changes to an added network entity on said EMS; and

making said NMS responsible for any future topological changes on said EMS."

Regarding claim 16.

In claim 16 line 16, "means for" is inserted at the beginning.

In claim 16 lines 16, "topological" is deleted, and replaced with "topology"

In claim 16, line 17, "and" is deleted.

In claim 16 line 18, "means for" is inserted at the beginning.

In claim 16 line 19-20, "by making said NMS responsible for any future changes, thereby forcing the administrator to make changes from one localized place" is deleted

In claim 16, line 19, after "added network entity", the following is added "on said EMS; and"

In claim 16 line 20, "means for making said NMS responsible for any future topological changes on said EMS." is added.

Therefore claim 16 lines 16-21 now read,

" means for automatically propagating said topology change data from said EMS to said NMS;

means for preventing an administrator from making any topological changes to an added network entity on said EMS; and

means for making said NMS responsible for any future topological changes on said EMS."

Regarding claim 22,

In claim 22 line 16, "means for" is inserted at the beginning.

In claim 22 lines 16, "topological" is deleted, and replaced with "topology"

In claim 22, line 17, "and" is deleted.

In claim 22 line 18, "means for" is inserted at the beginning.

In claim 22 line 19-20, "by making said NMS responsible for any future changes, thereby forcing the administrator to make changes from one localized place" is deleted

In claim 22, line 19, after "added network entity", the following is added "on said EMS; and"

In claim 22 line 20, "means for making said NMS responsible for any future topological changes on said EMS." is added.

Therefore claim 22 lines 16-21 now read,

" means for automatically propagating said topology change data from said EMS to said NMS;

means for preventing an administrator from making any topological changes to an added network entity on said EMS; and

means for making said NMS responsible for any future topological changes on said EMS."

Regarding claim 25,

In claim 25 line 3, "and" is added after "EMS".

In claim 25 line 3, "said" is added after "enabling"

In claim 25 line 3, "pertinent" is deleted and replaced with "pertaining"

In claim 25 line 4, "specified" is added after "to said".

Therefore claim 25 lines 3-4 now reads,

"change data from said EMS and, for enabling said user request pertaining to said specified network entity from one localized place."

Regarding claim 27,

In claim 27 line 17, "topological change" is deleted and replaced with "updated topology"

In claim 27, line 20, "by making said NMS responsible for any future changes, thereby forcing the administrator to make changes from one localized place" is deleted

In claim 27, line 20, after "added SAM", the following is added "on said EMS; and"

In claim 27 line 21, "making said NMS responsible for any future topological changes to the added SAM on said EMS." is added.

Therefore claim 27 lines 17-22 now read,

" automatically propagating said updated topology data
from said EMS to said NMS;

preventing an administrator from making any topological changes to an added
SAM on said EMS; and

making said NMS responsible for any future topological changes to the added
SAM on said EMS"

2. The following is an examiner's statement of reasons for allowance:

Claims 1, 14, 16, 22 and 27 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose "**a user request for a hierarchy altering operation, said user request comprising topology change data for at least one of said network entities, verifying the validity of the user request with respect to the EMS, altering the network topology map according to the topology change data in the user request, automatically sending change request from NMS to EMS, updating the EMS topology map, automatically**

propagating the topology change data from the EMS to NMS, preventing an administrator from making any topological changes to an added network entity as the NMS becomes responsible as a master for making any topological changes".

It is noted that the closest prior art (Franklin US 7092364) shows a system for automatically provisioning in a DSL network using request and notification amongst the NMS and EMS. However, Franklin fails to disclose or render obvious the above underlined limitations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

/Christopher P Grey/
Examiner, Art Unit 2416